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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,920	08/18/2003	Jose Represas De Almeida	65072-0145	3872

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EXAMINER

LE, HOA T

ART UNIT PAPER NUMBER

1773

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,920

Applicant(s)

DE ALMEIDA ET AL.

Examiner

H. T. Le

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Upon further consideration, new grounds of rejections are applied below.

Claim Rejections - 35 USC § 103

3. Claims 1, 2 and 4-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Berg patent (US 5,891,937) in view of the Peiffer patent (US 5,064,407).

Claims 1 and 10: The Peiffer patent suggests an absorbent material in which the corn residue consists primarily chaff and woody ring (col. 2, lines 36-42). The Peiffer patent does not teach the moisture content of the absorbent material. The Berg patent discloses an absorbent material having a moisture content of less than 10%. See Berg, col. 3, lines 3-20. It would have been obvious for one having ordinary skill in the art to reduce the absorbent material to a moisture content of less than 10% as taught in the Berg patent in order to maximize the absorbing properties of the absorbent material and the storage life of the material. Note that the instant claims employ the claim language “comprising” which permits non-specified ingredients even in major amount.

Claims 2 and 11: Absorbent materials are widely known as components in absorbing articles such as napkins, toilet tissues, etc. Therefore, it would have been obvious to employ the absorbent materials taught by Peiffer in these absorbing articles.

Claims 4 and 13: It would have been obvious to vary the particle size of the absorbent material within the claimed range to arrive at finer and softer final absorbing articles.

Claims 5-9, 12 and 14-18: The Berg patent teaches the active ingredient comprising polymers that function as an adherent. See Berg, col. 3, lines 20-31. The proportions of ingredients as claimed would have been obvious through routine experimentation.

4. Claims 5-8 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of the Peiffer and Berg patents applied to claims 1, 2 and 4-18 above, and further in view the Dickey patent (US 4,519,340).

The Berg and Peiffer patents in combination teach an absorbent material as discussed above. The Dickey patent suggests a combination of corn residue and an active ingredient to provide deodorizing properties to an absorbent material. Therefore, it would have been obvious for one having ordinary skill in the art to incorporate an active ingredient in the composition taught by Berg and Peiffer in order to provide additional desired properties to the absorbent material besides the absorbent properties. The proportions of ingredients as claimed would have been obvious through routine experimentation.

5. All references applied in the new grounds of rejections have been furnished in previous office actions.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to H. T. Le whose telephone number is 571-272-1511. The examiner can normally be reached on 10:00 a.m. to 6:30 p.m., Mondays to Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



H. T. Le
Primary Examiner
Art Unit 1773

Nov. 28, 2005